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SENATE BILL 683

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO PUBLIC WORKS PROJECTS; REQUIRING PAYMENT FOR
MATERIALS NOT DELIVERED TO OR STORED ON A JOB SITE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. PAYMENT FOR CONSTRUCTION MATERIALS STORED OFF-
SITE ON PUBLIC WORKS PROJECT.--

A. As used in this section:

(1) "contractor" means the prime contractor on
a public works project who contracts directly with the using
agency;

(2) "materialman" means any person who
furnishes materials or supplies to a subcontractor or an
original contractor;

(3) "owner" means an office, department,
institution, board, commission or other governing body or

underscoring material = new
~~[bracketed material] = delete~~

1 officer thereof of this state or of any political subdivision
2 thereof that is responsible for authorizing payments to
3 contractors and subcontractors on a public works project;

4 (4) "public works project" means a project of
5 the state, including highway projects of the department of
6 transportation, a project of a political subdivision of the
7 state, including any home rule municipality chartered pursuant
8 to the provisions of Article 10, Section 6 of the constitution
9 of New Mexico, a project of an institution or department of the
10 state or a project of a local public body to construct, repair,
11 alter, demolish, install or extend an improvement on real
12 property or to improve real property owned, used or leased by
13 the state, a political subdivision of the state, an institution
14 or department of the state or a local public body; and

15 (5) "subcontractor" means a contractor who
16 contracts directly with the contractor.

17 B. Whenever a contractor, subcontractor or
18 materialman determines that it is necessary to take delivery of
19 or to store construction materials at a location other than
20 where the actual construction is taking place, the owner shall
21 pay the contractor, subcontractor or materialman the full
22 agreed-upon price for those construction materials when the
23 contractor, subcontractor or materialman provides the owner
24 with a bill of lading or other suitable document establishing
25 delivery of the construction materials at the construction site

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underscored material = new
[~~bracketed material~~] = delete

1 or off-site storage location, the quantity of the construction
2 materials delivered and acceptance of the construction
3 materials by the contractor, subcontractor or materialman, but
4 the contractor, subcontractor or materialman shall not be
5 required to disclose the price paid for construction materials
6 delivered at or stored at a location other than where the
7 actual construction is taking place.

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